



THE
OFFICIAL GAZETTE
OF THE
COLONY AND PROTECTORATE
OF
KENYA.
(SPECIAL ISSUE)

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Colony and Protectorate of Kenya.

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Colony and Protectorate of Kenya.

AN ORDINANCE

No. 1 OF 1928.

Assented to in His Majesty's name this ninth day of June, 1928.

EDWARD GRIGG,
Governor.

[9TH JUNE, 1928.] Date of Assent.

An Ordinance to Provide for the Repayment to Users of Imported Kerosene Oil for Agricultural Purposes of an amount equivalent to the Customs Duty paid upon such Oil.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as " the Kerosene Oil (Repayment of Duty) Ordinance, 1928," and shall come into operation on such date as the Governor may by proclamation in the Gazette appoint.

Short title and commencement.

2. Any person using imported kerosene oil solely for the purpose of supplying motive power to farm tractors actually employed in agriculture shall be entitled, in accordance with the provisions of this Ordinance, to repayment of an amount equal to the duty paid in respect of such oil under the Customs Tariff Ordinance.

Repayment in respect of kerosene oil used for agricultural purposes.

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3. (1) No person shall be entitled to repayment of duty under the provisions of the last preceding section unless and until he shall have obtained a certificate in the Form A in the Schedule hereto from the District Officer in charge of the District in which such person resides. For each such certificate there shall be paid the sum of two shillings.

Procedure to be adopted.

(2) Every such certificate shall be issued annually and shall expire on the 31st day of December of the year of issue.

4. Every person desiring to purchase imported kerosene oil for the purpose mentioned in section 2 hereof shall produce to the person by whom such oil is supplied (hereinafter referred to as " the supplier ") the certificate issued to him under the last preceding section.

Production of certificate to supplier of oil.

5. (1) The supplier shall keep for the purposes of this Ordinance Supply Forms in the Form B in the Schedule hereto.

Supply Forms

(2) Such Supply Forms shall be in book form, serially numbered, and shall be obtainable by the supplier upon application to the District Officer in charge of the district in which such supplier resides or carries on business.

Duty of
supplier.

6. (1) Upon supplying such oil the supplier shall fill up and sign a Supply Form in duplicate and shall give the original form to the purchaser of such oil and shall retain and keep the duplicate form in the book from which the original form has been issued.

(2) No Supply Form shall be made out or issued in respect of the supply of any less quantity of oil than forty gallons.

(3) Every book of Supply Forms issued to any supplier shall be open, at all reasonable times, to inspection by any police officer.

Time and
procedure for
obtaining
repayment.

7. (1) A claim for obtaining repayment under section 2 of this Ordinance shall be made within six months from the date of the purchase of the oil.

(2) For the purpose of making such claim the purchaser shall make and subscribe a Statutory Declaration in the Form C in the Schedule hereto before a Magistrate and shall attach thereto the original Supply Form or Forms to which such Statutory Declaration relates.

(3) Such Declaration, together with the Supply Forms referred to therein, shall thereupon be sent by the purchaser to the Treasurer and the Treasurer shall pay to the purchaser, out of such funds as may be provided by the Legislative Council for that purpose, such sum as may be due under the provisions of this Ordinance.

Repayments of
duty may be
retrospective.

8. It shall be lawful for the Treasurer to make repayments of duty in respect of oil purchased between the first day of January, 1928, and the date of the coming into operation of this Ordinance if and when a Statutory Declaration in the Form D in the Schedule hereto is submitted to him by the person seeking the repayment of such duty and provided that such Statutory Declaration is accompanied by receipts for the purchase of such oil in quantities of not less than forty gallons.

Exemption from
Stamp Duty.

9. No stamp duty shall be chargeable upon any Statutory Declaration made under the provisions of this Ordinance.

Penalties.

10. (1) If any person knowingly and wilfully makes any statement which is false in any material particular in any Statutory Declaration made under this Ordinance he shall be liable to a fine not exceeding one hundred pounds or to imprisonment of either description for a period not exceeding two years or to both such fine and imprisonment.

(2) Any person who contravenes or fails to comply with any of the provisions of this Ordinance shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five pounds.

SCHEDULE.

FORM A.

This is to certify that for the purposes of the Kerosene Oil (Repayment of Duty) Ordinance, 1928, of is the owner and/or user of the undermentioned farm tractor(s), namely :—

<i>Make.</i>	<i>Engine No.</i>
.....
.....
.....
.....

This certificate will expire on the 31st day of December, 19.....

Issued this.....day of....., 19...

Fee : Sh. 2/-.

.....
District Officer.

FORM B.

SUPPLY FORM.

THE KEROSENE OIL (REPAYMENT OF DUTY) ORDINANCE, 1928.

I hereby certify that I have this day supplied*..... gallons of imported Kerosene Oil to.....

Brand.....

Certificate No..... produced.

Date.....

.....
Signature of Supplier.

* In words.

FORM C.

STATUTORY DECLARATION.

I,, of, do solemnly and sincerely declare that I have during the period from.....to..... (inclusive) purchased and used*..... gallons of imported Kerosene Oil, as shown on the Supply Form(s) hereto annexed, solely for the purpose of supplying motive power to farm tractor(s) while such farm tractor(s) was/were actually employed by me in agriculture and that no portion of the above-mentioned*..... gallons of imported Kerosene Oil was used for any other purpose.

And I do further solemnly and sincerely declare that I have not made any previous claim in respect of any portion of the said quantity of*gallons of imported Kerosene Oil.

And I make this Declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Ordinance, 1926.

Made before me.....
this.....day of.....
at.....

.....
Magistrate.

.....
Signature of Declarant.

* In words.

FORM D.

STATUTORY DECLARATION.

I,, of do solemnly and sincerely declare that I have during the period from.....to..... (inclusive) purchased and used*gallons of imported Kerosene Oil, as shown on the Receipt(s) hereto annexed, solely for the purpose of supplying motive power to farm tractor(s) while such farm tractor(s) was/were actually employed by me in agriculture and that no portion of the above-mentioned*gallons of imported Kerosene Oil was used for any other purpose.

And I do further solemnly and sincerely declare that I have not made any previous claim in respect of any portion of the said quantity of*gallons of imported Kerosene Oil.

And I make this Declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Ordinance, 1926.

Made before me.....
this.....day of.....
at.....

.....
Magistrate.

.....
Signature of Declarant.

* In words.

AN ORDINANCE

No. 2 OF 1928.

Assented to in His Majesty's name this ninth day of June, 1928.

EDWARD GRIGG,
Governor.

[9TH JUNE, 1928.] Date of Assent.

**An Ordinance to Provide for the Notification and
Registration of Births and Deaths and Other
Matters Incidental Thereto.**

9th June, 1928.

Date of com-
mencement.

ENACTED by the Governor of the Colony of Kenya,
with the advice and consent of the Legislative Council thereof,
as follows :—

1. This Ordinance may be cited as “ the Births and Deaths Registration Ordinance, 1928.” Short title.

2. In this Ordinance, unless the context otherwise requires :— Interpretation.

“ Birth ” means the issuing forth of any child from its mother after the expiration of the twenty-eighth week of pregnancy, whether alive or dead ;

“ Police officer ” means a police officer in charge of a police station ;

“ Prescribed particulars ” means—

(i) as to any birth, the name, sex, date and place of birth, and the names, residence, occupations and nationality of the parents ;

(ii) as to any death, the name, age, sex, residence, occupation and nationality of the deceased, and the date, place and cause of death ;

(iii) such other particulars as may be prescribed by the Rules ;

“ Registrar General ” means the Registrar General of Births and Deaths for the Colony ;

“ Registrar ” means a registrar appointed to register births and deaths in any area ;

“ The Rules ” means Rules made under section 27 of this Ordinance ;

“ The Statistician ” means the Statistician appointed by the Governor for the purposes of this Ordinance.

ADMINISTRATION.

Registrar
General.

3. The Governor shall appoint a Registrar General of Births and Deaths for the Colony.

Appointment of
"registration
areas" and
Registrars.

4. The Governor may from time to time, by notice in the Gazette, appoint any area in the Colony to be a "registration area" for the purposes of this Ordinance, and may appoint fit and proper persons to be the Registrars for each registration area.

Register books
to be supplied
to Registrars.

5. (1) The Registrar General shall provide each Registrar with such register books and forms as may be required, and with such instructions as he may consider necessary, for the registration of births and deaths in his registration area.

(2) Every Registrar shall keep safely each of the said register books until it shall be filled, and shall then deliver it to the Registrar General to be kept by him with the records of his office.

REGISTRATION.

Register of
births and
deaths.

6. It shall be the duty of every Registrar to keep a register of births and a register of deaths and to enter therein, respectively, the prescribed particulars of every birth and death notified to him.

Period for
registration.

7. A Registrar shall not register a birth or death after the expiration of six months from the date of such birth or death, except upon receiving the written authority of the Registrar General, and upon payment of the prescribed fee.

Compulsory
registration of
births.

8. (1) The registration of the birth of a child shall be compulsory if either one or both parents are of European or American or Asiatic origin or descent, or, in the case of an illegitimate child, not recognised by its father, if the mother is of European or American or Asiatic origin or descent.

Power to
extend
compulsory
provisions.

(2) The Governor may, by notice in the Gazette, declare that from a date to be named in the notice the registration of births of all persons in the Colony of any particular race, class, tribe, or group, or of all or some of the inhabitants of any particular town, district or area, shall be compulsory.

Mode of
registration of
births.

9. Every person notifying the birth of a child shall, to the best of his knowledge and ability, give the prescribed particulars, which shall be entered forthwith by the Registrar in the register, and the person notifying the birth shall certify to the correctness of the entry by signing or, if he be illiterate, by fixing his mark to the register.

Duty to notify
births where
registration is
compulsory.

10. Upon the birth of any child, the registration of whose birth is compulsory, it shall be the duty of the father and mother of the child, and, in default of the father and mother, of the occupier of the house in which to his knowledge the child is born, and of every person present at the birth, and of the person having charge of the child, to give notice of the birth, within such time as may be from time to time prescribed by the Rules, to the Registrar of the registration area in which the birth occurs :

Provided that in the case of births in prisons, hospitals, orphanages, barracks or quarantine stations, the duty to give such notice shall lie on the officer in charge of the establishment in which the birth took place.

11. No person shall be entered in the Register as the father of any child except either at the joint request of the father and mother or upon the production to the Registrar of such evidence as he may require that the father and mother were married according to law or, in the case of natives, in accordance with some recognised custom.

Entry of father in the register.

12. Where any living new-born child is found exposed, it shall be the duty of any person finding such child, and of any person in whose charge such child may be placed, to give to the Registrar of the registration area in which such child is found, within seven days of the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant may possess.

Duty to notify finding of exposed new-born child.

13. Where the birth of any child has been registered before it has received a name, or where the name by which it was registered is altered, the parent or guardian of such child may within two years of the registration, on payment of the prescribed fee, and on providing such evidence as the Registrar may think necessary, register the name that has been given to the child.

Change of name of child after registration.

14. (1) The registration of the death of every person of whatsoever race, origin or descent dying within a township shall be compulsory, and the registration of the death of every person of European, American, or Asiatic descent dying elsewhere within the Colony shall be compulsory.

Compulsory registration of deaths.

(2) The Governor may, by notice in the Gazette, declare that from a date to be named in the notice the registration of deaths of all persons in the Colony of any particular race, class, tribe, or group, or of all or some of the inhabitants of any particular district or area, shall be compulsory.

Power to extend compulsory provisions.

15. Every person notifying a death shall, to the best of his knowledge and ability, give the prescribed particulars, which shall be entered forthwith by the Registrar in the register, and the person notifying the death shall certify to the correctness of the entry by signing or, if he be illiterate, by fixing his mark to the register.

Mode of registration of deaths.

16. Upon the death of any person, the registration of whose death is compulsory, it shall be the duty of the nearest relatives of the deceased present at the death or in attendance during the last illness of the deceased, and, in default of such relatives, of every other relative of the deceased dwelling or being in the same registration area as the deceased, and, in default of such other relatives, of each person present at the death and of the occupier of the house in which to his knowledge the death took place, and, in default of the persons hereinbefore in this section mentioned, of each inmate of such house, or of any person finding or taking charge of the body of such person or causing the body of such person to be buried or otherwise disposed of, to give notice within such time as may from time to time be prescribed by the Rules to the Registrar of the registration area in which the death took place.

Duty to notify deaths where registration is compulsory.

Registrars to
issue burial
permits.

17. (1) A Registrar shall, upon production to him at the time of registering the death of a medical certificate on such form as may from time to time be prescribed by the Rules as to the cause of death, issue a written permit for the interment or other disposal of the body of the deceased.

(2) Where no certificate as to the cause of death is produced the Registrar shall forthwith notify the nearest magistrate or police officer, forwarding with the notification such of the prescribed particulars as he may have received.

Enquiries as to
cause of death.

18. (1) On the receipt of a notice from a Registrar under sub-section (2) of the last preceding section, the magistrate or police officer, or any person specially empowered by the Governor in that behalf, shall cause such enquiries to be made as to the cause of the death as he may think fit or as may be prescribed by the Rules.

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(2) If the case does not appear from such enquiries to be one to which section 141 or section 143 of the Criminal Procedure Ordinance applies, the magistrate or police officer or other person as aforesaid shall issue a permit for the interment or other disposal of the body of the deceased and shall send a copy thereof to the Registrar.

Issue of burial
permits to be
subject to
the last two
preceding
sections.

19. No person shall bury, cremate or otherwise dispose of the body of any deceased person the registration of whose death is compulsory without a permit issued in accordance with the provisions of the two last preceding sections.

Penalties.

20. Any person who fails to give notice of a birth or death, the registration of which is compulsory, or who refuses to furnish any of the prescribed particulars or who contravenes the provisions of the last preceding section, and any person who wilfully gives any false information or particulars for the purpose of registration, shall be liable to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

MISCELLANEOUS PROVISIONS.

Duty of
Registrars to
forward annual
returns to
Registrar
General.

21. It shall be the duty of every Registrar, on or before such date as the Registrar General may appoint, to forward to the Registrar General a return in the form prescribed showing the births and deaths registered in his registration area during the preceding year.

Duty of
Registrars to
forward weekly
statements to
medical
officers.

22. It shall be the duty of every Registrar, at the close of each week, to forward to the medical officer in charge of every district included within his registration area, and to the Statistician, a statement of the births and deaths registered by him during such week.

Preparation of
indexes.

23. (1) The Registrar General shall cause to be prepared from the returns made to him alphabetical indexes of the births and deaths registered.

Inspection of
registers, etc.

(2) Any register, return or index in the custody of the Registrar General shall, subject to the Rules, be open to inspection on payment of the prescribed fee.

Certified
copies.

(3) The Registrar General shall, on payment of the prescribed fee, furnish a certified copy of any entry in any register or in any return in his custody.

(4) The copy of any entry in any register or return certified under the hand of the Registrar General shall be *primâ facie* evidence in all courts of the dates and facts therein contained. Evidence.

24. It shall be the duty of the Registrar General to compile, after the close of each year, a summary of the births and deaths of such year, and a report on the increase or decrease of the population of the Colony and on any special causes appearing to affect the same. Duty of Registrar General to compile annual summary and report.

25. (1) The Registrar General may, subject to the Rules, correct any error in any register or index. Correction of errors in registers.

(2) Corrections shall be made without erasing the original entry, and shall be authenticated by the signature of the Registrar General.

26. The Statistician shall have access at all reasonable times to all documents kept by a Registrar for the purposes of this Ordinance, and may require a Registrar to prepare such statements of births and deaths and provide such information as may be required for the preparation of statistical abstracts of births and deaths. Access to documents by Statistician.

27. The Governor in Council may make Rules with regard to all or any of the following matters, namely :— Rules.

- (1) The time within which births and deaths may be notified and registered ;
- (2) The place in each registration area and the hours at which births and deaths may be notified and registered ;
- (3) The conditions under which and the mode in which registration may be effected without personal attendance ;
- (4) The forms of all registers, returns, and other documents required for the purposes of this Ordinance ;
- (5) The inspection of registers, returns and indexes and the provision of certified copies ;
- (6) The places at which births and deaths occurring on ships within the territorial waters of the Colony shall be registered ;
- (7) The exemption from all or any of the provisions of this Ordinance of persons of any particular class or race within an area in which the registration of births or deaths has been declared to be compulsory ;
- (8) The exemption from all or any of the provisions of this Ordinance of any district or township within an area in which the registration of births and deaths has been declared to be compulsory.
- (9) Any matter which is by this Ordinance required to be prescribed ;
- (10) Generally, for carrying into effect the provisions of this Ordinance.

28. The Births and Deaths Registration Ordinance Repeal. (Chapter 29 of the Revised Edition) is hereby repealed.

AN ORDINANCE

No. 3 of 1928.

Assented to in His Majesty's name this ninth day of June, 1928.

EDWARD GRIGG,
Governor.

Date of Assent.

[9TH JUNE, 1928.]

An Ordinance to Amend the Drugs and Poisons Ordinance.

Date of commencement.

9th June, 1928.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as "the Drugs and Poisons (Amendment) Ordinance, 1928," and shall be read as one with the Drugs and Poisons Ordinance (Chapter 120 of the Revised Edition), hereinafter referred to as "the Principal Ordinance."

Power to
appoint a board
for the purposes
of this
Ordinance.

2. Section 8 of the Principal Ordinance is hereby repealed and in lieu thereof shall be read the following:—

"8. (1) It shall be lawful for the Governor to appoint a board for the purposes of this Ordinance which shall consist of the Director of Medical and Sanitary Services, who shall be chairman thereof, and such other persons who shall be either duly qualified medical practitioners or druggists licensed under this Ordinance as the Governor may from time to time appoint.

(2) The Governor may revoke appointments to and fill vacancies in the board. Every appointment made or revoked under this section shall be notified in the Gazette.

(3) In the absence of the Director of Medical and Sanitary Services or for any other necessary or reasonable cause the senior Government medical officer present shall preside at any meeting of the board.

(4) The chairman together with two other members shall form a quorum.

(5) The board shall keep a record of proceedings."

Qualifications
necessary to
obtain a licence.

3. Section 11 of the Principal Ordinance is hereby repealed and in lieu thereof shall be read the following:—

"11. No licence to act as a druggist shall be granted by the Director of Medical and Sanitary Services to any person unless such person shall satisfy the board that he is a duly qualified chemist and druggist in the United Kingdom of Great Britain, Ireland or Northern Ireland or holds a certificate or diploma of competency as a chemist or druggist from any college, society, council, or board recognised by the Pharmaceutical Society of Great Britain."

4. Section 12 of the Principal Ordinance is hereby repealed. Repeal of section 12 of the Principal Ordinance.

5. Section 13 of the Principal Ordinance is hereby amended by the deletion of the words " examination or ". Amendment of section 13 of Principal Ordinance.

6. Schedule B to the Principal Ordinance is hereby repealed and in lieu thereof shall be read the following :— Amendment of Schedule B to the Principal Ordinance.

" SCHEDULE B.

(See Section 5.)

No.

DRUGGIST'S LICENCE.

Whereas of has satisfied the board appointed for the purposes of the Drugs and Poisons Ordinance (Chapter 120 of the Laws of Kenya) that he is entitled to be licensed as a druggist in the Colony and Protectorate of Kenya this licence is hereby granted to the said to dispense and sell drugs and poisons from the day of, 19....., to the 31st day of December, 19....., subject to the provisions of the Drugs and Poisons Ordinance.

Given at Nairobi this day of, 19.....

.....
Director of Medical and Sanitary Services.

Fee for licence £3."

7. Schedule C to the Principal Ordinance is hereby repealed. Repeal of Schedule C to the Principal Ordinance.

8. Schedule D to the Principal Ordinance is hereby amended by the deletion of the columns headed " Board Certificate " and the columns headed " Examination." Amendment of Schedule D to the Principal Ordinance.

9. Schedule G to the Principal Ordinance is hereby amended by the deletion of the following :— Amendment of Schedule G to the Principal Ordinance.

" On certificate of examination 150 00 ".

AN ORDINANCE

No. 4 OF 1928.

Assented to in His Majesty's name this ninth day of June, 1928.

EDWARD GRIGG,
Governor.

Date of Assent.

[9TH JUNE, 1928.]

An Ordinance to Apply a Sum of Money for the Service of the Year ending the 31st day of December, 1928.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Ordinance may be cited as " the Appropriation Ordinance, 1928."

Public Revenue charged.

2. The Public Revenue for the year 1928, and other funds of the Colony and Protectorate of Kenya, are hereby charged towards the service of the year ending the thirty-first day of December, one thousand nine hundred and twenty-eight, with a sum of two million eight hundred and forty thousand, one hundred and ninety-seven pounds.

Application of money granted.

3. The money granted by this Ordinance shall be applied for the purposes and services expressed in the Schedule annexed hereto.

Treasurer's authority for payment.

4. The Treasurer of the Colony and Protectorate of Kenya is hereby authorised and required from time to time upon the warrant or order of the Governor to pay out of the revenue and other funds of the Colony and Protectorate of Kenya, for the several services specified in the Schedule, the said sum of two million eight hundred and forty thousand, one hundred and ninety-seven pounds, which will come in course of payment during the year ending on the thirty-first day of December, one thousand nine hundred and twenty-eight.

SCHEDULE.

	£
I. Public Debt Funded	365,000
II. Rent and Interest to H. H. the Sultan of Zanzibar	16,000
III. Pensions and Gratuities	96,000
IV. His Excellency the Governor	16,574
V. Conference of East African Governors	1,750
VI. Secretariat and Legislative Council	18,305
VII. Printing and Stationery	37,727
Carried forward	551,356

		£
	<i>Brought forward</i> ...	551,356
VIII.	Administration ...	271,678
VIIIa.	Administration, Extraordinary ...	1,050
IX.	Statistics and Research ...	21,661
X.	Treasury ...	24,910
XI.	Customs Department ...	44,859
XII.	Audit Department ...	17,977
XIII.	Judicial Department ...	28,249
XIV.	Registrar General's Department ...	5,273
XV.	Legal Department ...	10,340
XVI.	Police ...	148,864
XVIa.	Police, Extraordinary ...	165
XVII.	Prisons ...	45,199
XVIII.	Medical Department ...	204,801
XVIIIa.	Medical, Extraordinary ...	1,800
XIX.	Education ...	158,241
XIXa.	Education, Extraordinary ...	10,305
XX.	Military ...	115,380
XXa.	Military, Extraordinary ...	6,000
XXI.	Post Office and Telegraphs ...	151,189
XXIa.	Post Office and Telegraphs, Extraordinary ...	13,430
XXII.	Agricultural Department ...	144,418
XXIIa.	Agricultural Department, Extraordinary ...	1,350
XXIII.	Forest Department ...	37,755
XXIV.	Game Department ...	10,586
XXV.	Survey and Registration Department ...	37,975
XXVI.	Government Coast Agency ...	5,797
XXVIa.	Government Coast Agency, Extraordinary ...	320
XXVII.	Miscellaneous Services ...	56,255
XXVIII.	Interest ...	207,554
XXIX.	Public Works Department ...	135,705
XXX.	Public Works, Recurrent ...	193,004
XXXI.	Public Works, Extraordinary ...	170,651
XXXII.	Trade Information and Publicity Bureau ...	6,100
Total ...		<u>£2,840,197</u>

AN ORDINANCE

No. 5 of 1928.

Assented to in His Majesty's name this ninth day of June, 1928.

EDWARD GRIGG,
Governor.

Date of Assent.

[9TH JUNE, 1928.]

An Ordinance to Provide a New Designation for the Officer hitherto styled "Director of Surveys" or "Director of Land Surveys."

Date of commencement.

1st January, 1928.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Ordinance may be cited as "the Surveyor General's Ordinance, 1928."

Change of title.

2. Where in any Ordinance, rule, order, notice, contract or other document the designation "Director of Surveys" or "Director of Land Surveys" occurs, it shall be read as though the designation "Surveyor General" had been substituted therefor.

Date of commencement.

3. This Ordinance shall have effect from the first day of January, 1928.

AN ORDINANCE

No. 6 OF 1928.

Assented to in His Majesty's name this ninth day of June, 1928.

EDWARD GRIGG,
Governor.

Date of Assent.

[9TH JUNE, 1928.]

An Ordinance to Amend the General Loan and Inscribed Stock Ordinance.

Date of commencement.

9th June, 1928.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Ordinance may be cited as "the General Loan and Inscribed Stock (Amendment) Ordinance, 1928," and shall be read as one with the General Loan and Inscribed Stock Ordinance (Chapter 46 of the Revised Edition), hereinafter referred to as "the Principal Ordinance."

Cesser of sinking fund contributions.

2. Notwithstanding anything to the contrary contained in the Principal Ordinance, if at any time the trustees of the sinking fund of any loan issued or to be issued under the provision of the said Ordinance (other than a debenture loan redeemable by annual drawings or by purchase in the market) are satisfied that the value of the fund will be sufficient with further accumulations of interest but without further payments

of contributions to enable the loan to be redeemed out of the proceeds of the sinking fund when the same shall fall due to be redeemed, the Governor may with the approval of the Secretary of State suspend further payments of contributions to the said sinking fund : Provided always that contributions to the sinking fund shall be recommenced if the trustees shall at any time inform the Governor that it is necessary.

AN ORDINANCE

No. 7 OF 1928.

Assented to in His Majesty's name this ninth day of June, 1928.

EDWARD GRIGG,
Governor.

[9TH JUNE, 1928.] Date of Assent.

An Ordinance to Amend the Revised Edition of the Laws Ordinance.

9th June, 1928.

Date of commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as “ the Revised Edition of the Laws (Amendment) Ordinance, 1928,” and shall be read as one with the Revised Edition of the Laws Ordinance, hereinafter referred to as “ the Principal Ordinance.” Short title.

2. Sub-section (1) of section 9 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor :— Revision of subsidiary legislation up to 1926.

“ (1) There shall be issued, as supplementary to the revised edition of the Ordinances, a volume or volumes containing all such local Orders in Council, Proclamations, Rules and Regulations in force on the thirty-first day of December, 1926, as appear to the Commissioners to be of sufficient importance to be included.”

3. The Principal Ordinance is hereby amended by adding thereto immediately after section 9 the following section :— Bringing into force subsidiary legislation.

“ 9A. (1) Each volume of every copy of the supplementary volume or volumes to the revised edition of the Ordinances when printed shall be impressed on the title-page thereof with the Public Seal of the Colony ; and on some convenient day thereafter the Governor shall by a proclamation published in the Gazette notify that the copies of the supplementary volume or volumes to the revised edition of the Ordinances has or have been duly impressed as aforesaid, and is or are ready for issue at the Secretariat.

(2) Immediately on the publication of the proclamation the supplementary volume or volumes to the revised edition of the Ordinances shall, subject to the provisions of section 9, become and be without any question, in all courts of justice and for all purposes whatsoever, the sole authentic edition of the local Orders in Council, Proclamations, Rules and Regulations in force on the thirty-first day of December, 1926.” Validity of subsidiary legislation.

AN ORDINANCE

No. 8 OF 1928.

Assented to in His Majesty's name this ninth day of June, 1928.

EDWARD GRIGG,
Governor.

Date of Assent.

[9TH JUNE, 1928.]

An Ordinance to Provide for the more Convenient Administration of the Extradition Acts, 1870 and 1873.

Preamble.

33 and 34
Vict., c.52

WHEREAS by the Act of the Imperial Parliament known as the Extradition Act, 1870, it is amongst other things enacted that the said Act, when applied by Order in Council, shall, unless it is otherwise provided by such Order, extend to every British possession, but with the following among other modifications, namely :—

No warrant of a Secretary of State shall be required, and all powers vested in, or acts authorised or required to be done under the said Act by the Police Magistrates and the Secretary of State, or either of them, in relation to the surrender of a fugitive criminal, may be done by the Governor of the British possession alone ;

and any prison in the British possession may be substituted for a prison in Middlesex :

AND WHEREAS by the said Act it is also enacted that :—

If by any law or Ordinance made before or after the passing of the said Act by the legislature of any British possession, provision is made for carrying into effect, within such possession, the surrender of fugitive criminals who are in, or suspected of being in, such British possession, His Majesty may, by the Order in Council applying the said Act in the case of any foreign State, or by any subsequent order, either

Suspend the operation, within any such British possession, of the said Act, or of any part thereof, so far as it relates to such foreign State, and so long as such law or Ordinance continues in force there, and no longer ;

Or direct that such law or Ordinance, or any part thereof, shall have effect in such British possession, with or without modifications and alterations, as if it were part of the said Act.

36 and 37
Vict., c.60.

AND WHEREAS by another Act of the Imperial Parliament known as the Extradition Act, 1873, it is enacted that the said Act shall be construed as one with the Extradition Act, 1870, and that the said two Acts may be cited together as the Extradition Acts, 1870 and 1873 :

AND WHEREAS it is expedient to provide for the more convenient administration within the Colony of Kenya of the Extradition Acts, 1870 and 1873, by conferring on Magistrates the like powers and authorities in relation to the surrender of fugitive criminals as are by the said Acts vested in Police Magistrates and Justices of the Peace in the United Kingdom :

BE IT THEREFORE ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as “ the Extradition Ordinance, 1928.” Short title.

2. In this Ordinance the term “ Colony ” shall not include the Protectorate of Kenya. Interpretation.

3. All powers vested in, and acts authorised or required to be done by, a Police Magistrate or any Justice of the Peace in relation to the surrender of fugitive criminals in the United Kingdom, under the Extradition Acts, 1870 and 1873, are hereby vested in, and may in the Colony be exercised and done by, any magistrate holding a subordinate court of the first class in relation to the surrender of fugitive criminals under the said Acts. Powers of magistrate in relation to extradition under the Imperial Acts.

4. This Ordinance shall not come into operation until His Majesty shall by Order in Council direct that this Ordinance shall have effect within the Colony as if it were part of the Extradition Act, 1870, but this Ordinance shall thereafter come into operation as soon as such Order in Council shall have been publicly made known in the Colony. Suspending clause.

AN ORDINANCE

No. 9 OF 1928.

Assented to in His Majesty's name this ninth day of June, 1928.

EDWARD GRIGG,
Governor.

[9TH JUNE, 1928.] Date of Assent.

An Ordinance to Amend the Fugitive Criminals Surrender Ordinance.

9th June, 1928.

Date of commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as “ the Fugitive Criminals Surrender (Amendment) Ordinance, 1928,” and shall be read as one with the Fugitive Criminals Surrender Ordinance (Chapter 11 of the Revised Edition), hereinafter referred to as “ the Principal Ordinance.” Short title.

2. The Principal Ordinance is hereby amended by adding immediately after section 1 thereof the following new section :— Principal Ordinance only applies to Protectorate of Kenya.

“ 1A. This Ordinance applies only to the Protectorate of Kenya.”

3. The Principal Ordinance is hereby further amended by deleting the word “ Colony ” wherever it occurs and by substituting therefor the word “ Protectorate.” “ Protectorate ” substituted for “ Colony ” throughout Principal Ordinance.

AN ORDINANCE

No. 10 OF 1928.

Assented to in His Majesty's name this ninth day of June, 1928.

EDWARD GRIGG,
Governor.

Date of Assent.

[9TH JUNE, 1928.]

An Ordinance to Amend the Stock and Produce Theft Ordinance.

Date of commencement.

9th June, 1928.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Ordinance may be cited as "the Stock and Produce Theft (Amendment) Ordinance, 1928," and shall be read as one with the Stock and Produce Theft Ordinance (Chapter 79 of the Revised Edition), hereinafter referred to as "the Principal Ordinance."

Interpretation.

2. In this Ordinance, unless the context otherwise requires :—

"Stock," in addition to the animals included in the definition of stock in section 2 of the Principal Ordinance, includes the meat, hide, skin or any part of any stock;

"Produce" includes milk, eggs, fruit, tea, maize, coffee beans, coffee berries and any other article whatever produced or derived from agricultural or horticultural operations which the Governor in Council may from time to time by proclamation declare to be produce;

"Sell" includes barter or exchange;

"Proclaimed district" means any area to which sections 4 and 5, or either of them, of this Ordinance may from time to time be applied by the Governor in Council by proclamation.

Liability to account for possession of produce in certain cases.

3. (1) If any person is found in possession of produce on any farm or in the immediate vicinity thereof under circumstances which may reasonably lead to the belief that such produce has been stolen, such person shall be deemed to have stolen the same and shall, unless he proves affirmatively (the onus being on him) that the possession was lawful, be liable to the penalties prescribed by section 3 of the Principal Ordinance.

Power to arrest persons conveying produce suspected to be stolen.

(2) It shall be lawful for the owner or manager of any farm to apprehend and detain, without a warrant, any person found in possession of any produce upon such farm or in the immediate vicinity thereof which such owner or manager may have reasonable cause to suspect to have been stolen or unlawfully obtained from such farm :

Provided that any person apprehended under this subsection shall, with all practicable speed, be either handed over to a police officer or brought before a magistrate to be dealt with according to law.

4. If any stock is found in the possession or on the premises of any person in a proclaimed district in circumstances which may reasonably lead to the belief that such stock has been stolen, such person shall be deemed to have stolen the same and shall, unless he proves affirmatively (the onus being on him) that the possession was lawful, be liable to the penalties prescribed by section 3 of the Principal Ordinance.

Liability to account for possession of stock in certain cases.

5. It shall not be lawful for any person to sell or deliver any stock or produce in a proclaimed district between sunset and sunrise, and any person so doing and any person buying or taking delivery of any stock or produce which is sold in contravention of this section shall be liable to a fine not exceeding five pounds or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment :

Restriction on sale of stock and produce by natives during night-time.

Provided that this section shall not apply to the registered holder of agricultural land within the proclaimed district under grant or lease from the Crown or to his duly authorised agent in respect of stock or produce raised on such land or to the purchaser thereof.

6. All offences under this Ordinance shall be cognizable to the police.

Offences cognizable to Police.